

REMARKS

The present amendment is submitted in conjunction with the simultaneously filed Request for Continued Examination (RCE) and in response to the final Office Action dated March 9, 2007, which set a three-month period for response, making a response due by June 9, 2007.

Claims 1-17 are pending in this application.

In the final Office Action, the previously stated objection to Information Disclosure Statement filed September 21, 2005 was maintained. Claims 1-8 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,099,160 to Strözel et al. Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Strözel et al. Claims 9 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Strözel et al in view of U.S. Patent No. 2,976,436 to Anton.

Turning first to the objection to the IDS, the Applicants respectfully direct the Examiner to the "Image File Wrapper" on the EFS website. The International Search Report with the English translation of the relevant Swiss document can be found there under the heading "Miscellaneous Incoming letter filed 12/21/2006. This is a four-page document, and the translation of the relevant Swiss document appears at the search report itself.

Looking next at the substantive rejections of the claims in the final rejection, the claims have been amended to more clearly define the present invention over the cited references. Specifically, claim 1 defines additionally that

the cooling conduit “is located in direct proximity to the at least one intake nozzle (20)”, that the cooling conduit (30) “*directly abuts said at least one intake nozzle (20)*” and is closed off “*in direct proximity to said at least one intake nozzle (20)*” from the interior of the housing.

In addition, new claims 12-17 have been added. New claim 12 is supported by Fig. 6; new claim 13 is supported by the disclosure on page 2, lines 6-8 and by Fig. 6; new claim 14 is supported by the features of Figs. 4-6; the features of new claim 15 are shown in Fig. 5; and the features of new claims 16 and 17 are shown in Fig. 6.

The Applicants respectfully submit that amended claim 1 as well as dependent claims 2-17 defines a set of patentably distinct features that are not shown or suggested by the cited references.

Strözel et al disclose a driven hand-guided machine, namely, an angle grinder 10, which has ventilation slots 30 on the front side. An inflowing, cooling air flow 32 moves through the ventilation slots 30 into the interior of the angle grinder 10 and flows there into the ventilation channels 34 of the stator 27 (see the figures and column 2, line 66 through column 3, line 6 in Strözel).

In contrast to the Strözel reference, the present application discloses and claims an electric power tool, in particular, an angle grinder, having a cooling device 16, 18, 20, 30, 32, which has at least one intake nozzle 20. The at least one intake nozzle 20 is mounted in an outer wall of the housing 10. The cooling device 16, 18, 20, 30, 32 further comprises a cooling conduit 30, which is located in direct proximity to at least one intake nozzle 20. The cooling conduit directly

abuts the at least one intake nozzle 20 and is closed off in direct proximity to the at least one intake nozzle 20 from an interior of the housing 10. The cooling air reaches the cooling conduit 30 directly and unhindered in an operating mode.

Therefore, the intake nozzle 20 and the cooling conduit 30 are arranged in such a way that they share a borderline with each other. Because of this structure, the air flow which enters through the intake nozzle 20 reaches the cooling conduit 30 directly without passing any obstacles.

In contrast, in Strözel, the ventilation channel 34 does not abut the ventilation slots 30 and is not closed off in proximity of the ventilation slots 30.

Because Strözel does not disclose all of the features of amended claim 1, claim 1 is not anticipated by this reference. MPEP section 2131 requires that to anticipate a claim a reference must teach every element of the claim in as complete detail as is contained in the Applicant's claim. Likewise, MPEP section 2143.03 requires that all of the Applicant's claim limitations must be taught or suggested. To support a rejection under Section 102, the cited reference must disclose each and every element of the rejected claims with sufficient clarity to prove its existence in the prior art. ***Motorola, Inc., v. Interdigital Tech. Corp.***, 43 USPQ 2d 1481, 1490 (Fed. Cir. 1997).

Amended claim 1 also is not rendered obvious by Strözel. Again, this reference discloses a driven hand-guided machine with a cooling device comprising ventilation slots 30 and a ventilation channel 34 of the stator 27. The ventilation slots 30 do not abut the ventilation channel 34 and the latter is not closed off in proximity to the ventilation slots 30. In addition, one skilled in the art

would not be motivated to connect the ventilation slots 30 directly to the ventilation channel 34 for a direct and unhindered inlet of cooling air, since Strözel does not suggest or disclose this idea.

Finally, with this amendment, two substitute drawing sheets containing amended Figs. 4 through 7 have been filed.

For the reasons set forth above, the Applicants respectfully submit that claims 1-17 are patentable over the cited art. The Applicants further request withdrawal of the rejections and reconsideration of the claims as herein amended.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

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